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UNITED STATES OF AMERICA

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

FEB 23 2005

at 10 o'clock and 10 min. 4 M.
WALTER A. Y. H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

| | | |
|---------------------------|--------|-------------------------------|
| UNITED STATES OF AMERICA, |) | CR. NO. 05-00030 SOM |
| |) | |
| Plaintiff, |) | FIRST SUPERSEDING INDICTMENT |
| |) | |
| vs. |) | Count 1: 18 U.S.C. §§ 922(j), |
| |) | 2, and 924(a)(2) |
| SHERWIN R. DIAZ, | (01)) | Count 2: 18 U.S.C. §§ |
| ROY T. TACATA, | (02)) | 922(g)(3) and 924(a)(2) |
| |) | |
| Defendants. |) | |
| |) | |

FIRST SUPERSEDING INDICTMENT

COUNT 1

(18 U.S.C. §§ 922(j), 2, and 924(a)(2))
(possession of and aiding and abetting
the possession of a stolen firearm)

The Grand Jury charges that:

On or about October 06, 2004, in the District of Hawaii, defendants SHERWIN R. DIAZ and ROY T. TACATA did knowingly possess and aid and abet the possession of a stolen firearm which had previously been shipped and transported in interstate commerce, to wit, a stolen Beretta Model 92FS 9mm caliber semiautomatic pistol, with serial number BER 179972Z, manufactured by Beretta in the State of Maryland and previously shipped and transported in interstate commerce to Hawaii.

All in violation of Title 18, United States Code, Sections 922(j), 2, and 924(a)(2).

COUNT 2

(18 U.S.C. §§ 922(g)(3) and 924(a)(2))
(user of a controlled substance in
possession of a firearm)

The Grand Jury further charges that:

On or about October 06, 2004, in the District of Hawaii, defendant ROY T. TACATA, then being an unlawful user of a controlled substance as defined in Title 21, United States Code, Section 802, did knowingly possess in and affecting commerce a firearm, to wit, a Beretta Model 92FS 9mm caliber semiautomatic pistol, with serial number BER 179972Z, manufactured by Beretta in the State of Maryland, and previously shipped and transported in interstate commerce to Hawaii.

All in violation of Title 18, United States Code,
Sections 922(g)(3) and 924(a)(2).


DATED: February 23, 2005, at Honolulu, Hawaii.

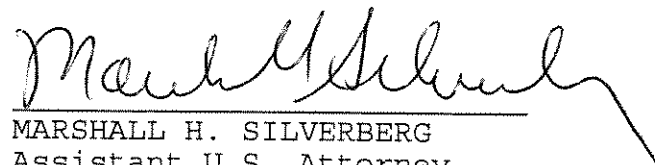
A TRUE BILL

/s/

FOREPERSON, GRAND JURY

EDWARD H. KUBO, JR.
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Assistant U.S. Attorney


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UNITED STATES v. SHERWIN DIAZ AND ROY TACATA,
Cr. No. 05-00030 (First Superseding Indictment)